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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,877	05/15/2001	Dennis A. Quan JR.	POU920010061US1	1523

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT PAPER NUMBER

2122

3

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,877

Applicant(s)

QUAN, DENNIS A.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed May 15, 2001.
2. Claims 1-49 have been examined.

Claim Objections

3. Claims 1, 9, 10, 11, 17, 25, 26, 27, 33, 41, 42, 43 and 49 are objected to because of the following informalities:

- a. Claims 1, 9, 17, 25, 33, 41 and 49: the comma “,” after “and” at the end of the limitation that precedes the last limitation of the claim should be deleted.
 - b. Claims 10, 26, and 42: the word “sellect” at line 4 is mistyped.
 - c. Claims 10, 26, and 42: the term – to – should be added between “to be added” and “said program listing.”
 - d. Claims 11, 27 and 43: the word “concurently” is mistyped.
 - e. Claims 33 and 41: the word “compute” at line 2 is mistyped.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9, 10, 16, 22, 23, 24, 25, 26, 32, 38, 39, 40, 41, 48 and 49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 (line 2), 25 (line 2), and 41 (line 4) recite the limitation “said programming environment”. There is insufficient antecedent basis for this limitation in the claim.

Claims 9 (line 10), 25 (line 11), and 41 (line 15) recite the limitation “said optional special comment”. There is insufficient antecedent basis for this limitation in the claim.

Claims 6 (line 1), 7 (line 1), 8 (line 1), 22 (line 1), 23 (line 1), 24 (line 1), and 38 (line 2), 39 (line 2) and 40 (line 2) recite the limitation “said function”. There is insufficient antecedent basis for this limitation in the claim.

Claims 10 (line 4), 26 (line 4), and 42 (line 4) recite the limitation “said special language function”. There is insufficient antecedent basis for this limitation in the claim.

Claim 49 (line 9) recites the limitation “said program statements”. There is insufficient antecedent basis for this limitation in the claim.

Claim 49 (line 10 and 13) recites the limitation “said special comment”. There is insufficient antecedent basis for this limitation in the claim. The term “comment” should be in plural in order to have proper antecedent basis.

Claim Rejections – 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP 409222974 A to Yasuda et al. al. ("Yasuda").

Claims 1, 17 and 33

Yasuda discloses at least :

reading from a storage media, a program listing for performing a basic function in a first executor (Abstract, associated figures and related discussion in the specification);
detecting in said program listing, a special comment identifier by analyzing a standard comment in said program listing (Abstract, associated figures and related discussion in the specification);
interpreting contents of said standard comment statement as a special comment language statement when said special comment identifier is detected in said standard comment statement (Abstract, associated figures and related discussion in the specification); and
performing said basic function and an optional function according to said special comment language statement in a second executor (Abstract, associated figures and related discussion in the specification).

Claims 2, 18 and 34

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said special comment identifier comprises a predetermined field left justified in a standard comment format* (see at least Figures 7 and 8 and discussion related to tab area settings in the specification).

Claims 3, 19 and 35

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said special comment identifier comprises a predetermined field right justified in a standard*

comment format (see at least Figures 7 and 8 and discussion related to tab area settings in the specification).

Claims 4, 20 and 36

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said special comment identifier comprises a physical location in said program listing* (Abstract, "... comment and extended statement interpretation part 214," associated figures and related discussion in the specification).

Claims 5, 21 and 37

The rejection of base claims 1, 17, 33 is incorporated. Yasuda does not specifically disclose *wherein said special comment language statement is context sensitive*. However, this feature is deemed to be inherent to the teaching of Yasuda as Figures 5, 7, 17 show that the contents of embedded the extended function are context-sensitive, e.g., "paperSize".

Claims 6, 22 and 39

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said function comprises definition of a variable* (see at least Figures 5, 7, 17 and related discussion in the specification).

Claims 7, 23 and 39

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said function is simulation environment criteria* (see at least Figures 5, 7, 17 and related discussion in the specification).

Claims 8, 24 and 40

The rejection of base claims 1, 17, 33 is incorporated. Yasuda further discloses *wherein said function is specification of type* (see at least Figures 5, 7, 17 and related discussion in the specification).

Claims 9, 25 and 41

Yasuda discloses at least:

analyzing in a program listing, a programming statement entered by said user to determine if an optional special comment language function exists for said programming statement (Abstract, associated figures and related discussion in the specification);

determining if said optional special comment language function should be added to said program listing (Abstract, associated figures and related discussion in the specification);
and

adding said optional special comment to said program listing (Abstract, Figures 5, 7, 17 and related discussion in the specification).

Claims 10, 26 and 42

The rejection of base claims 9, 25 and 41 is incorporated. Yasuda further discloses *wherein said determining step comprises the further step of displaying a representation of said optional special comment language function to allow said user to select a special comment indicating said special language function to be added said program listing* (see at least Figures 5, 7, 17 and related discussion in the specification).

Claims 11, 27 and 43

The rejection of base claims 9, 25, 41 and intervening claims 10, 26, 42 respectively is incorporated. Yasuda further discloses *wherein said displaying step comprises*

a separate window concurrently displayed with a previous window (see at least Figures 21, 22 and related discussion in the specification).

Claims 12, 28 and 44

The rejection of base claims 9, 25, 41 and intervening claims 10, 26, 42 respectively is incorporated. Yasuda does not specifically disclose *the further step of selectively displaying a help assistant message for said representation of said optional special comment language function*. However, this feature is deemed to be inherent to the teaching of Yasuda as to any application programs. Without a "Help" or "Help Assistant" feature, these application programs would not be useful.

Claims 13, 29 and 45

The rejection of base claims 9, 25, 41 and intervening claims 10, 26, 42 respectively is incorporated. Yasuda further discloses *wherein said representation of said optional special comment language function comprises a graphical image* (see at least Figure 17, e.g., "%ICON1," and related discussion in the specification).

Claims 14, 30 and 46

The rejection of base claims 9, 25 and 41 is incorporated. Yasuda does not specifically disclose *comprising the step of highlighting a portion of said program listing wherein said portion comprises said program listing*. However, this feature is deemed to be inherent to the teaching of Yasuda as to any Windows-based application programs. Without this feature, "Copy," "Cut," and "Paste" could not be implemented.

Claims 15, 31 and 47

The rejection of base claims 9, 25 and 41 is incorporated. Yasuda further discloses *wherein said analyzing step further comprises analyzing the context of said programming statement in relationship to said program listing* (see at least Abstract and related discussion in the specification).

Claims 16, 32 and 48

The rejection of base claims 9, 25 and 41 is incorporated. Yasuda further discloses *wherein said optional special comment comprises a specification of type* (see at least Figures 5, 7, 17 and related discussion in the specification).

Claim 49

Yasuda discloses at least:

a storage media (see at least Figure 1, item 26 and related discussion in the specification);

a computer processor, connected to said storage media (see at least Figure 1 and related discussion in the specification);

a program listing stored in said storage media comprising said program statements for performing said basic function and said special comment for performing said optional function (see at least Figures 3, 5, 7, 12, 17, 24 and related discussion in the specification); and

an executor program in said computer processor performing said basic function and said optional function according to said statements and special comment (see at least Abstract, Figures 1 and related discussion in the specification).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Antony Nguyen-Ba, whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday - Friday from 6:15 – 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Central Fax Number

(703) 872-9306



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2122

June 11, 2004